Research on Personality Rights Infringement Risks and Governance Strategies in the AIGC (Artificial Intelligence-Generated Content) Era

Jingyao Zeng *

School of Social Sciences, Harbin Institute of Technology, Ha Erbin China

* Corresponding Author Email: 2528117845@qq.com

Abstract. Personality rights constitute the primary and fundamental civil rights of natural persons. As China's AIGC industry continues to expand, the potential legal risks associated with personality rights violations have become increasingly evident. Specifically, AIGC has restructured traditional personality elements and infringement scenarios, leading to increased infringement frequency, greater difficulty in identifying violations, heightened challenges in rights protection, and complex liability determinations. However, China's current infringement governance framework remains underdeveloped, facing three critical issues: legislative application dilemmas, regulatory gaps, and industry ecosystem irregularities. To address these challenges, China urgently needs to refine its governance approach through four key measures: clarifying the boundaries of personality rights systems, improving existing liability attribution models, establishing inclusive yet prudent regulatory frameworks, and formulating compliance guidelines for AIGC enterprises. This comprehensive strategy aims to build an integrated governance system encompassing legislation, law enforcement, and industry practices, thereby ensuring effective protection of personality rights.

Keywords: Digital personality elements; personality rights; AIGC; infringement governance.

1. Questioning

Personal rights, as the primary and fundamental civil rights of natural people, safeguard human dignity and freedom, serving as a hallmark of modern legal civilization. The independent chapter dedicated to personality rights [1]in China's Civil Code underscores the nation's commitment to protecting these rights. As a crucial new productive force, generative artificial intelligence (AI) is the core technology behind AI-generated content (Artificial Intelligence Generated Content, AIGC). With technological advancements, AIGC has become deeply integrated into daily life, emerging as a vital driver for high-quality economic development. Compared to traditional AI, AIGC represents groundbreaking progress in both value creation and practical applications, evolving from a "unidirectional output" analytical tool to a "bidirectional interactive" production mechanism. However, the rapid development of AIGC has also brought about numerous risks and challenges.

In the context of AIGC, personality elements such as portraits, voices, and names have broken away from their traditional close association with natural people, exhibiting digital characteristics that have gradually revealed their drawbacks. Issues like ambiguous definitions and unclear ownership have spawned multidimensional risks of personality rights infringement, specifically manifested in increased infringement frequency, difficulties in identifying violations, challenges [2]in rights protection, and complexities in liability allocation. Meanwhile, as personality rights infringement risks intensify, existing risk governance systems have failed to implement effective regulations, with their lagging nature exacerbating risk proliferation. In judicial practice, China has witnessed multiple AIGC-related personality rights infringement cases, which still face disputes regarding legal references and judicial review. Therefore, personality rights infringement risks are not merely theoretical predictions. In the AIGC era, we must re-examine the issue of personality rights infringement and prudently address emerging challenges.

To address the risks of personality rights infringement in AI-generated content (AIGC), academic circles have proposed two approaches: improvement and innovation. The improvement approach[3]focuses on interpreting existing legal frameworks to identify AIGC-related personality

rights [4]violations within current regulations, while clarifying liability and compensation mechanisms. The innovation approach seeks to transcend existing legal boundaries by expanding the scope of personality [5]rights and designing novel rights categories. The fundamental difference between these two paths lies in the inherent tension between technological advancement and legal regulation, though they can complement each other. However, previous risk analyses have been limited to specific objects or infringing entities, with the underlying logic of risk generation remaining inadequately integrated. This paper aims to systematically analyze the generation mechanisms of AIGC-related personality rights infringement risks, identify challenges in current governance systems, and establish a balance between technological development and legal regulation. Based on this, we propose enhanced governance pathways for AIGC-related infringement risks.

2. The genesis of personality rights infringement risks in the AIGC context

AIGC exerts influence on personality rights through both internal and external dimensions. Internally, it restructures personality rights by creating new personality elements. Externally, it generates novel infringement scenarios. Therefore, analyzing the risk generation logic of personality rights infringement in the AIGC context should consider both internal and external factors, examining the evolution of personality elements and the infringement risks posed by AIGC technology. (See Figure 1).

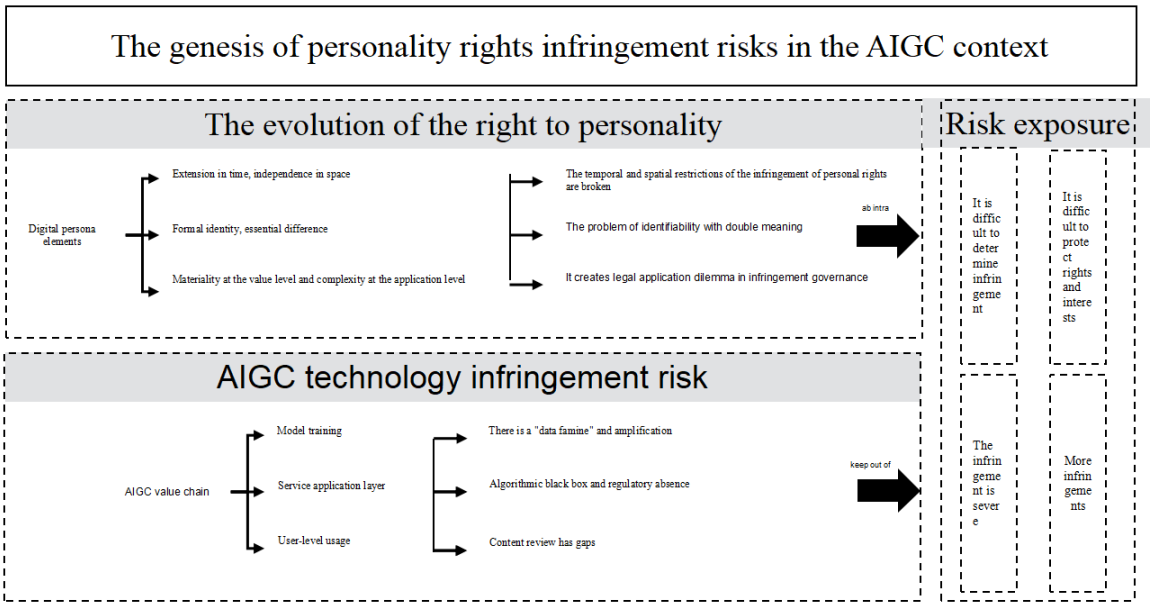


Figure 1. The generation logic of personality rights infringement risks in the AIGC context.

2.1. Digital Transformation of Personality Traits in the AIGC Era

Digital personality elements are digital representations of traditional personality components such as portraits, voices, and names, created through technologies[6]like AI, cloud computing, and big data.[7]These elements exhibit three distinct characteristics that correspond to three underlying mechanisms of personality rights infringement risks in the AIGC (Artificial Intelligence Generated Content) context:

First, digital personality elements possess temporal expansiveness and spatial independence, eliminating the temporal and spatial constraints of personality rights infringement. From a temporal perspective, these elements transcend the limitations of natural physiological factors, meaning the risk of personality rights violations does not cease with a person's death or aging. Spatially, as they exist in cyberspace, such risks can instantly spread across geographical boundaries.[8]

Second, digital personality elements and original personality elements exhibit formal similarity yet fundamental differences, creating a dual-identity recognition challenge. Formally, digital

personality elements closely resemble their original counterparts, making infringement acts more deceptive and difficult to identify directly. Fundamentally, as digital products, they cannot fully replicate the complete profile of natural persons under current technological limitations, rendering them ineligible for governance through direct reference[9]to "identifiable" standards. [10]

Third, the dual nature of digital personality elements—material in value assessment and multifaceted in practical application—creates legal governance challenges in infringement cases. On the value front, these elements are tightly intertwined[11]with commercial interests, prioritizing material value creation. Under China's "unified legislative framework," the economic value embedded in these elements remains inadequately protected, complicating rights enforcement. Practically, digital personality elements often combine multiple specific personality traits, amplifying infringement damage. Take virtual characters as an example: their creation integrates original personality components like physical features, voiceprints, and names. When infringement occurs, the cumulative effect of these elements multiplies the damage exponentially.

2.2. AIGC Technology Infringement Risks

The AI value chain (Responsibilities Along the AI Value Chain) refers to the multi-level value creation process from upstream to downstream in the AI industry. The European Union's Artificial Intelligence Act (AI Act)[12] was the first to legally define this concept.[13]Based on the analysis framework of the AI value chain and considering the unique characteristics of AIGC generation mechanisms, AIGC technology can be divided into three value creation levels: model training, service application, and user usage. These levels correspond to different risk logics of personality rights infringement.

The model training phase constitutes the upstream of the AIGC value chain and serves as the foundation for downstream value creation. This critical stage primarily faces two risks: data scarcity [14]and amplified damages. Existing internet data resources can no longer meet the demands of AI training corpora,[15]creating a "data famine" that increases the likelihood of illegal[16]acquisition of digital identity[17]elements and personal information. Even when using synthetic data for training, inherent risks like monotony, connectivity vulnerabilities, and inference risks persist.[18]Furthermore, the multiplier effect of data amplifies the dissemination efficiency of infringing content,[19]resulting in escalating damages from copyright violations.

The service application layer serves as the midstream component of the AIGC value chain, acting as a bridge between upstream and downstream value segments. At this level, the platform's process of delivering AIGC services to users faces challenges due to the existence of algorithmic black boxes. Under these opaque mechanisms, AIGC generation processes exhibit complexity and technical sophistication, characterized by opacity and lack of interpretability. Service platforms often collect personal data through algorithms without users' awareness, leading to concealed infringement of personality rights. Furthermore[20], scenarios like cookie-based tracking of search keywords remain imperceptible to users.[21]

The user application level constitutes the downstream of the AIGC value chain, representing the ultimate manifestation of AIGC's value. The core challenge at this stage lies in the low cost of infringement. In an era where' anything can be AI-powered,' the low entry barrier for AIGC platforms leads to cost-effective yet high-risk violations of personality rights, thereby exacerbating the potential risks of such infringements.

3. The Triple Dilemma of Personality Rights Infringement Governance in the AIGC Era

The emergence of AIGC technology has profoundly transformed the traditional forms of personality elements, giving rise to multidimensional and complex new risks of personality rights infringement. Meanwhile, existing governance approaches for such infringements exhibit structural shortcomings. At the legislative level, current laws and regulations struggle to effectively address

emerging infringement behaviors, creating application dilemmas. In implementation, regulatory mechanisms suffer from missing entities and cover blind spots, resulting in systemic gaps. At the industry level, incomplete industry standards and the absence of self-regulation have led to ecological disorder. These threefold challenges not only hinder effective governance of personality rights infringement but also restrict the healthy development of the AIGC industry. (See Figure 2)

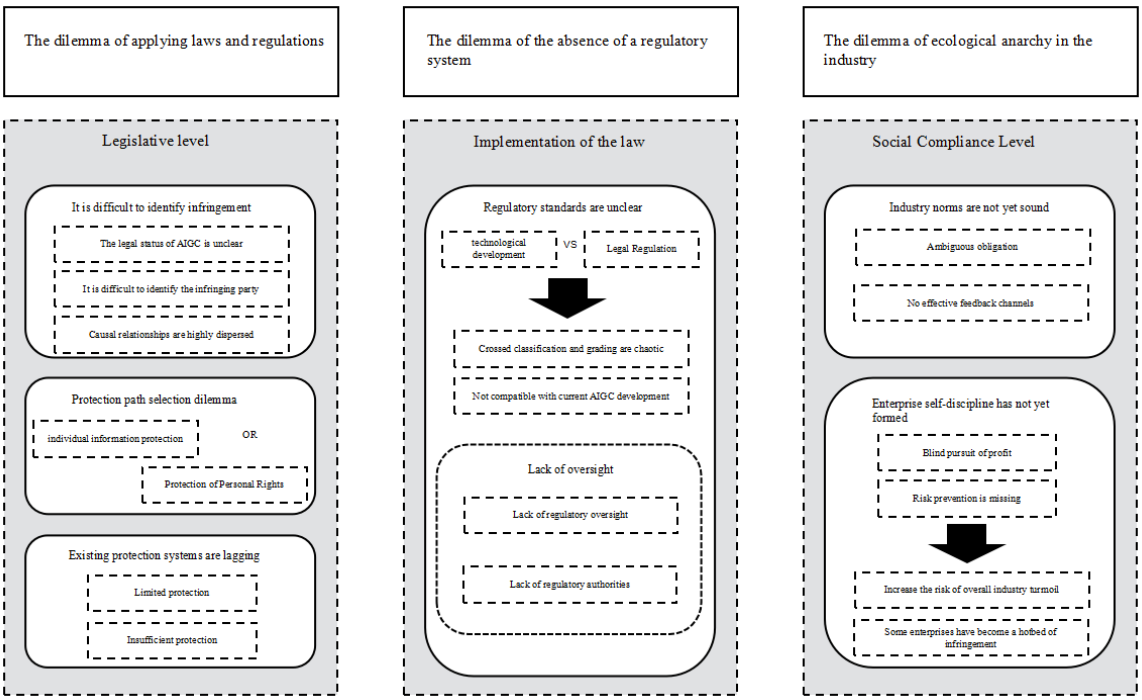


Figure 2. The Triple Dilemma of Personality Rights Infringement Governance in the AIGC Era.

3.1. Difficulties in applying laws and regulations

Digital personality elements differ significantly from traditional ones, and the existing personality rights protection system struggles to provide comprehensive safeguards. When applying legal frameworks to digital personality rights violations, challenges emerge difficulties in identifying infringement acts, overlapping protection approaches, and lagging institutional mechanisms for infringement protection.

First, new types of infringement are challenging to regulate under existing tort liability frameworks, with identification of infringing acts being particularly difficult. Firstly, the legal status of AIGC remains undefined, making it hard to resolve inherent conceptual[22]ambiguities.[23] AIGC [24]inherently combines user intent with autonomous characteristics. Academic circles have proposed three main theories regarding AIGC's legal status: the Subject Theory [25], Object Theory [26], and Constructive Theory [27]. While these theories achieve logical consistency at the theoretical level, they still exhibit practical limitations. Secondly, AIGC's creation involves multi-level participation from various stakeholders, complicating the identification of liable parties. Examining AIGC's value chain reveals three key phases: model training, service application, and end-user engagement. When infringement occurs, how should responsibilities be fairly allocated? Current Chinese regulations demonstrate jurisdictional gaps. For instance, the "Measures for Identifying AI-Generated Synthetic Content" primarily targets service providers, mandating content[28]labeling[29]. However, this regulation fails to adequately address upstream responsibilities such as model training and data sources. Consequently, legal obligations and liability determination for critical entities like data providers and algorithm designers remain unclear in complex infringement cases, hindering comprehensive chain regulation. Thirdly, the causal chain between user input and infringement is often lengthy and fragmented. Real-world cases like the Hood case and Walter case [30] demonstrate how ambiguous causality complicates infringement identification. [31]Clearly, AIGC creates a risk

of interrupting the causal chain of infringement, thereby making infringement governance more challenging.

Secondly, the overlap between personal information and personality elements leads to overlapping liability approaches in infringement governance. Specifically, personality elements such as portraits, voices, and names possess [32]identifying characteristics that distinguish specific individuals. When digitized, they meet the definition of personal [33]information under the Personal Information Protection Law. [34] After infringement occurs, liability determination rules differ between personal information protection and personality rights protection. Taking the "Lou Mouqin AI Face Replacement Case" [35] as an example, the defendant altered facial features in the plaintiff's video using AIGC technology and commercialized it. This case follows personality protection principles, applying fault liability where the plaintiff must prove the defendant's fault. In contrast, personal information protection follows presumed fault liability, requiring the defendant to prove innocence. These differing governance approaches create practical challenges, as victims often lack the professional knowledge to choose between them.

Finally, under the influence of AIGC technology, China's existing personality rights protection system exhibits certain limitations. On one hand, digital personality elements possess unique characteristics that cannot be directly protected through conventional personality rights frameworks, resulting in restricted scope of protection. On the other hand, the triple impact of AIGC amplification effects, aggregated application of digital personality elements, and AIGC infringement breaking through temporal and spatial constraints has intensified personality violations, while the current system's protective capacity remains inadequate.

3.2. The dilemma of the absence of a regulatory system

As a significant outcome of technological advancement, AIGC inevitably conflicts with technological progress and legal frameworks, creating regulatory dilemmas. This results in regulatory gaps and escalates the risk of personality rights infringement in AIGC.

Regulatory approaches to AIGC technology vary globally. The European Union adopts a stringent regulatory framework featuring vertical legislation and a sandbox approach, though this rigorous oversight has somewhat constrained technological innovation. In contrast, the United States maintains a more lenient regulatory model focused on market governance without unified legislation, yet this leniency has heightened risks of personality rights infringement [36].

In China's context, the country has moved beyond traditional gradual regulatory approaches and implemented a preliminary classification system for digital elements. For instance, the "Cybersecurity Standards Practice Guide-Guidelines for Network Data Classification and Grading" categorizes data into general, important, and core data based on potential risks. The "Internet Platform Classification and Grading Guidelines (Draft for Public Comment)" classifies platforms into six categories according to service scenarios, including online sales, lifestyle, entertainment, and social platforms. The "Artificial Intelligence-Generated Content Identification Measures" adopt a dual-track regulatory system combining explicit and implicit labeling. However, while these measures avoid absolute "one-size-fits-all" judgments, they still fail to adapt to the dynamic interplay of multiple elements, resulting in overlapping and chaotic classifications [37].

Furthermore, regulatory gaps are constraining the development of the AIGC industry, creating a regulatory framework deficiency. The value chain characteristics of AIGC dictate that oversight must extend from downstream service usage to upstream data collection. However, existing regulatory systems remain limited in scope, lacking a comprehensive regulatory framework. Moreover, AIGC involves multi-stakeholder participation. The government-dominated regulatory model proves inefficient, with social supervision mechanisms yet to be fully implemented.

3.3. The dilemma of industry ecology disordered

The development of a healthy industry ecosystem depends on both macro-level regulatory frameworks and micro-level corporate self-discipline. However, with the rapid growth of AIGC (AI-

generated content), the industry's regulatory system remains underdeveloped, and companies are driven by profit motives, which further complicates the governance of personality rights infringement.

At the macro level, existing industry regulations primarily suffer from ambiguous obligations and inadequate feedback mechanisms. Regarding responsibilities, the current framework for AIGC industry stakeholders lacks clear accountability, leading to widespread infringement. For instance, at the industrial level, some entities engage [38]in excessive collection and misuse of personal data; at the user level, individuals exploit generative technologies by inputting malicious commands or spreading misinformation. While government and corporate feedback channels exist, they remain congested and narrowly targeted. When personality rights violations occur, victims often lack proper complaint channels and forfeit initial mediation opportunities.

At the micro level, the core issues stem from enterprises 'reckless expansion and inadequate risk awareness. Driven by market irrationality, some companies prioritize profit over compliance, resulting in delayed development of content moderation and internal governance mechanisms that become breeding grounds for personality rights violations [39]. In the landmark case "Platform's First Determination of AI-Generated Content," the defendant enterprise labeled users 'original creations as AIGC and imposed mute penalties. This demonstrates that current AIGC recognition algorithms remain imperfect, making human review indispensable. When human oversight is absent or influenced [40]by formalism, effectively identifying infringing content becomes extremely challenging. Furthermore, China's AIGC industry remains in its infancy, facing challenges of technological immaturity and high uncertainty. Yet corporate risk management preparations are significantly lagging, with insufficient emergency response capabilities and outdated risk governance concepts. Should a high-intensity external shock occur, it could trigger a chain reaction causing systemic instability across the AIGC sector.

4. Enhancing Governance of Personality Rights Infringement in the AIGC Era

The risks of personality rights infringement are becoming increasingly complex and governance is becoming increasingly difficult. It is necessary to improve the existing governance path from the three dimensions of legislation, implementation and industry, in order to realize the effective protection of personality rights and the benign development of the industry in the AIGC era.

4.1. Clarifying the boundaries of the existing personality rights system

To clarify the boundaries of China's current personality rights system, we should adopt a dual approach focusing on both dynamic and static dimensions. Dynamically, we should expand the scope of personality rights protection by incorporating digital personality elements into the legal framework. Statistically, we need to define the core interests protected by personality rights, providing clear guidance for prudent selection of protection strategies.

The core issue in expanding the scope of personality rights protection lies in whether digital personality elements can be incorporated into the existing legal framework. To address the frequent risks and practical challenges of digital personality rights infringement, it is advisable to broaden the boundaries of current personality rights systems. This can be achieved through two approaches: analogical interpretation and rights construction. For AIGC technology at this stage, legal responses should fully explore and utilize the interpretative space within existing personality rights systems. China's personality rights framework, rooted in the Civil Code, features flexible general personality rights clauses and a catch-all "catch-all clause" for portrait rights, which demonstrate sufficient inclusiveness to address initial technological challenges. Digital personality elements meeting the standard of identifiable natural persons can be incorporated into the existing personality rights framework through judicial interpretation. Currently, foreign judicial practices also primarily rely on legal interpretation as a governance tool. Therefore, it is imperative to refine existing regulatory systems through quasi-legislative interpretations, promote the typological accumulation of adjudicative rules, and provide legal foundations for infringement governance. As AIGC technology

evolves, existing legal frameworks may struggle to address complex infringement scenarios. In such cases, designing new rights can compensate for legislative shortcomings. For instance, establishing digital image rights for digital humans could address dynamic and complex application scenarios. It is crucial to note that rights construction must undergo rigorous theoretical justification, with clear application scenarios and usage rules defined to prevent systemic confusion.

The key to defining the boundaries of the personality rights system lies in clarifying the core interests and applicable scenarios of the protection of representational personality rights, distinguishing them from personal information rights. On one hand, the core interests of representational personality rights protection are the interests of identity preservation and personalization. These interests aim to prevent identity confusion and avoid social devaluation of natural persons or legal entities caused by illegal exploitation. The core interests of personal information rights protection are the right to be informed and control over personal information processing, aiming to prevent illegal use in advance and emphasizing preventive defense functions. On the other hand, representational personality rights are typically private law rights in nature, while personal information rights carry strong public law characteristics, involving issues of personal information abuse between unequal parties. Therefore, personal information protection should be prioritized over personality rights protection.

4.2. Chain liability model of infringement from the perspective of construction obligation

AIGC involves multiple stakeholders, necessitating the refinement of traditional tort liability models based on causality. It requires adopting a liability chain model from an obligation perspective to overcome the limitations of individual liability subjects, thereby resolving the challenges in tort determination caused by ambiguous causality.

First, the legal status of AIGC must be clarified. Currently, AIGC lacks self-awareness subjectively and does not possess independent property objectively, thus failing to qualify as an independent legal entity. Moreover, recognizing AIGC as an independent legal entity would essentially provide service providers with a loophole to evade legal liability through AIGC, potentially leading to confusion in tort liability determination.

Secondly, it is crucial to clarify the liable entities and their obligations within the AIGC value chain. On one hand, treating all participants in the AIGC value chain as potential liable parties would undoubtedly increase the cost of rights protection. Therefore, participants should be selected based on their control over AIGC, with liable entities defined across three tiers of the value chain: AIGC model developers, AIGC service providers, and AIGC service users. On the other hand, after identifying liable entities, corresponding obligations should be assigned. If a party violates these obligations, it should be presumed to be at fault and held liable, thereby resolving the ambiguity of causation. Current judicial practices in China have validated the feasibility of this liability model. Specifically, AIGC model developers should be required to ensure the legality of data acquisition and guarantee model operational safety. AIGC service providers must fulfill obligations regarding API invocation, user management, and content moderation. AIGC service users should demonstrate due diligence in verifying instruction legality and content authenticity.

4.3. Building an inclusive and prudent regulatory model

The concept of inclusive prudence emerged from the dynamic interplay between government and market forces, representing a departure from traditional regulatory approaches while demonstrating legal accommodation to technological advancement. China's 2017 Government Work Report formally established the principle of inclusive prudence in regulating emerging technologies. As a disruptive innovation, AIGC (Artificial Intelligence-Generated Content) should adopt this regulatory philosophy to develop a tailored framework that addresses ambiguities in oversight standards and gaps in regulatory implementation, aligning with China's national context.

The "inclusive" regulatory framework aims to foster an innovative ecosystem for the AIGC industry by creating a flexible policy environment, with the core objective of guiding its healthy and

sustainable development. Under this inclusive approach, when AIGC service providers demonstrate compliance with data and algorithm regulations or promptly implement remedial measures to protect rights holders, liability exemption rules should apply to safeguard the industry. Additionally, the statutory observation period system should be promoted. During this period, when legal gaps exist in AIGC regulations, administrative regulators should exercise restraint, allowing the industry to develop freely before intervening when conditions mature.

"Prudent" regulation aims to establish a systemic risk prevention framework for the AIGC sector, reinforce bottom-line awareness, and address procedural and institutional gaps within current regulatory systems. On one hand, it can draw lessons from internationally regulatory sandbox models. By designating qualified enterprises within specific regions for regulatory sandbox trials, authorities can curb the severity and scope of personality rights violations while piloting regulatory approaches before broader implementation. On the other hand, regulatory scope should be expanded to achieve full-process oversight across the AIGC industry value chain. Simultaneously, regulatory stakeholders should be diversified to establish a three-dimensional governance structure involving government, enterprises, and society, thereby enabling comprehensive multi-stakeholder supervision throughout the entire AIGC industry lifecycle.

4.4. Establish AIGC Enterprise Compliance Guidelines

The Third Plenary Session of the 20th CPC Central Committee emphasized "strengthening corporate compliance construction" , and China's central and local governments have issued multiple compliance guidelines covering various levels and fields. Against the backdrop of dual regulatory failures in industry standards and corporate self-discipline, the AIGC sector lacks internal growth momentum, and fostering a healthy industry ecosystem faces severe challenges. Therefore, establishing AIGC corporate compliance guidelines and improving internal compliance management systems are crucial to achieving compliant development.

First, compliance guidelines should clearly define obligations for all parties based on the value chain characteristics of the AIGC industry. To conclude, corporate compliance guidelines may establish responsible entities according to the control standards mentioned earlier and set corresponding obligations. This approach will establish clear behavioral boundaries for all parties, standardize content review in AIGC enterprises, and address industry irregularities in the AIGC sector.

Secondly, compliance guidelines should guide construction enterprises in establishing risk prevention mechanisms and enhancing their risk response capabilities. For instance, they should be guided to develop specialized compliance plans for specific risk areas, set up compliance review departments, conduct risk monitoring and prevention [41], and proactively plan response measures for potential risks.

Finally, compliance guidelines should guide enterprises to establish accessible channels for public feedback. In terms of publicity, open channels for public consultation should be created to promote user behavior standards and AIGC fundamentals. For feedback, dedicated channels should be established to promptly collect public inquiries and complaints, enabling preliminary mediation of AIGC-related personality rights infringement disputes.

5. Epilogue

In the current era, AI-generated content (AIGC) has achieved rapid development and deep integration with human society, bringing tremendous opportunities while also triggering numerous legal risks. Among these, personality rights infringement constitutes a systemic risk rooted in the evolving nature of personality rights elements, involving external impacts of AIGC technology, and closely related to the lagging governance mechanisms for AIGC infringement. To address this, this paper establishes a dual analytical framework examining both internal and external factors. It traces the origins of personality rights infringement risks in the AIGC era while analyzing current governance challenges, ultimately proposing a three-dimensional improvement plan for governance

pathways. Although personality rights inherently possess individual and micro-level attributes, their infringement risks require meticulous examination within macro legal frameworks and social contexts—a field requiring further scholarly exploration.

References

[1] See! The new quality productivity in the Government Work Report, published on the official website of the Chinese government https: // www.gov.cn / zhengce/ jiedu/ tujie/ 202403/ content_6937462.htm.

[2] See Beijing Internet Court Research Group. Legal Determination of AI-Generated Sound Infringing on Sound Rights: A Case Study of Yin Moumou v. Beijing Intelligent Technology Company and Others for Personality Rights Infringement [J]. Legal Application, 2024, (09):123-133.

[3] See Deng Jianpeng and Zhao Zhishong. Legal Regulation of Generative Artificial Intelligence: A Perspective from Tort Law [J]. Journal of Northeast Normal University (Philosophy and Social Sciences Edition), 2025, (03):95-104.

[4] See Xu Wei. On the Right to Digital Identity: Justifying Digital Humans as a New Personality Rights Subject [J]. Legal Studies, 2025, (04):31-45.

[5] See Chen Xiaochun and Li Zelin. "Whose Voice: The Subjectivity and Rights of Voice in Generative AI Contexts" [J]. Journal of Southwest University for Nationalities (Humanities and Social Sciences Edition), 2025,46(03):141-150.

[6] See Tang Lin and Shen Shijuan. Research on Intellectual Property Attributes of Digital Personality Elements: A Case Study of China's First AI Voice Infringement Case [J]. Journal of Hubei University of Economics and Law (Humanities and Social Sciences Edition), 2025(9):79-85.

[7] See Victoria Kreitzig and Deng Huanyu. Protecting Against Infringement of AI-Generated Images [J]. Nanjing University Law Review, 2025(2):168-184.

[8] See Zhao Jingwu. The AI Face-swapping Infringement Dispute: Reinterpretation of Portrait Identifiability Standards [J]. Social Sciences Journal, 2025, (5):168-176.

[9] See Wang Yegang. Discussion on the Legal Protection Model of Economic Value in Personality Rights [J]. Comparative Law Research, 2014, (1):160-170.

[10] See European Commission Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024

[11] See VLLALOBOS P, HO A, SEVILLA J, et al. "Will We Run Out of Data? Limits of LLM Scaling Based on Human-Generated Data" [EB/OL]. (2024-6-6) [2025-7-2]

[12] See Wu Zongze, Ren Baiyu. Privacy Risks, Regulatory Dilemmas, and Improvement Approaches of Synthetic Data [J]. China Science and Technology Forum, 2025, (8):136-143.

[13] See Huang Yinxiu. "The Normative Function and Legal Application of the Artificial Intelligence-Generated Synthetic Content Identification Measures" [J]. Legal Application, 2025, (9):136-147.

[14] See Wu Jiaojun and Guo Wan'er. Legal Governance of Algorithmic Black Boxes in the Age of Artificial Intelligence [J]. Science and Law (Chinese and English), 2021, (1):19-28.

[15] See Fan Jin Xue. Artificial Intelligence Legal Subject Theory: Present and Future [J]. Political and Legal Studies, 2022, (3):3-17.

[16] See Gan Shaoping. How Can Robots Possess Rights? [J]. Ethics Research, 2017, (3):126-130.

[17] See Yang Qingwang and Zhang Lei. On the Legal Personality of Artificial Intelligence [J]. Journal of Hunan University of Science and Technology (Social Sciences Edition), 2018,21(6):91-97.

[18] See Australian mayor abandons world-first ChatGPT lawsuit https: // www. smh. com.au/ technology / australi an-mayor-abandons-world-first-chatgpt-lawsuit- 20240209-p5f3nf. html. last visited on Mar 15,2024.

[19] See OpenAI Defamation Lawsuit: The first of its kind https://lawreview.syr.edu/openai-defamation-laws uit-the-first-of-its-kind/ .last visited on Dec 15,2023.

[20] The Personal Information Protection Law stipulates that personal information refers to all kinds of information recorded electronically or otherwise related to an identified or identifiable natural person, excluding information after anonymization.

[21] See Lou Mouqin v. Shanghai Houttuynia Information Technology Co., Ltd. – Portrait Rights Dispute, Hangzhou Internet Court Civil Judgment (2022) Zhe 0192 Min Chu 6186 Number

[22] Lu Anwen. Generative Artificial Intelligence: Exploring Risks, Regulation, and Governance Models [J]. Journal of Chongqing University of Posts and Telecommunications (Social Sciences Edition), 2025(3):113-121.

[23] Xu Jianfeng, Lü Zhaoshi. Research on Classification and Grading Supervision of Artificial Intelligence: A Logical Transition from Risk-Based Benchmarks to Importance-Oriented Approaches [J]. Journal of Jinan University (Social Sciences Edition), 2025,35(5):148-160.

[24] See Ning Yuan. On the Duty of Care for Humanoid Robot Users [J]. Dongfang Xuefa, 2024, (3):38-48.

[25] See "Platform's First Case of AI-Generated User Content Dispute Ruled: Platforms Must Provide Adequate Algorithmic Justifications", published on Guangming Daily's website on June 24,2025, https://legal.gmw.cn/2025-06/24/content_38110327.htm

[26] See Xu Xuechen, Tian Kan, Li Wenjun. New Generation Artificial Intelligence Technology (AIGC): Development Evolution, Industrial Opportunities and Prospects [J]. Industrial Economics Review, 2023, (4):5-22.

[27] See Huang Wei (ed.), Interpretation of the Personality Rights Chapter of the Civil Code of the People's Republic of China, China Legal Publishing House, 2020, p. 142

[28] See Bergmann, Susanne.“Publicity Rights in the United States and Germany: A Comparative Analysis.” Loyola of Los Angeles Entertainment Law Review 19 (1999): 479.

[29] See Chen Longjiang. Protection of Name Interests in German Civil Law and Its Reference [J]. Journal of Law and Business Research, 2008, (3):106-114.

[30] See Wang Yuan. The Theory of Personal Information Rights in the Perspective of Private Law [J]. Legal Studies, 2022, (5):37-47.

[31] See [1] Feng Xiaoqing, Guo Chang. Copyright Liability and Hierarchical Governance in Generative AI Platforms: Reflections on the Hangzhou Ultraman Case [J]. Digital Rule of Law, 2025, (02):56-75.

[32] See Zhang Linghan and Yu Lin. Allocation of Tort Liability in the Value Chain of Generative Artificial Intelligence [J]. Journal of Beijing Academy of Governance, 2025, (5):72-83.

[33] See the 2017 Government Work Report, available at the Chinese government website https://www.gov.cn/guowuyuan/2017zfgzbg.htm.

[34] See Clayton Christensen, The Innovator's Dilemma (translated by Hu Jianqiao, CITIC Press, 2021), pp. 17-31.

[35] See Deng Jianpeng and Zhao Zhishong. Improving the Rules on Liability Exemption for Generative AI Service Providers: A Discussion on the Applicability Dilemma and Solutions for Traditional Internet Service Providers' Liability Exemption Rules [J]. Journal of Shaanxi Normal University (Philosophy and Social Sciences Edition), 2025,54(4):87-98.

[36] See Kong Fanhua. Practical Exploration and Normative Approach of the Observation Period in Administrative Law Enforcement [J]. Zhejiang Journal, 2023, (6):106-115.

[37] The EU's AI Act institutionalizes the regulatory sandbox model

[38] See Li Juan. "Theoretical Construction and Empirical Analysis of 'Experimental Legislation' —— Focusing on Article 13 of China's Legislation Law" [J]. Politics and Law, 2017, (7):84-94.

[39] See the Guiding Opinions on Promoting Compliance Awareness and Strengthening Compliance Management for SMEs issued by the General Offices (Secretariats, Offices, and Comprehensive Departments) of 15 departments including the Ministry of Industry and Information Technology, published on the Chinese Government Website https: // www.gov.cn/zhengce/zhengceku/ 202503/ content_7013576.htm

[40] See Huang Maoqin and Xu Yujin. From Self-Preferential Treatment to Self-Regulation: Governance Strategies for Anti-Monopoly Compliance in Digital Platforms [J]. Journal of Henan University of Economics and Law, 2025,40(5):31-44.

[41] See Chen Ruihua. Two Models for Building Enterprise Compliance Management Systems [J]. Law Review, 2024,42(1):15-28.